

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANN BURTON,

Plaintiff,

- against -

SILVERCREST CENTER FOR NURSING
AND REHABILITATION; MARIE
MITCHELL; DARLENE WEITZMAN,

Defendants.

**NOTICE OF
MOTION TO
DISMISS**

11-CV-2757 (SLT)(LB)

PLEASE TAKE NOTICE that, upon the Affirmation of Alesia J. Kantor, Esq., dated May 4, 2012, together with the exhibits attached thereto, the accompanying memorandum of law, and all prior pleadings and proceedings herein, defendant Silvercrest Center for Nursing and Rehabilitation, will move this Court, before the Honorable Sandra L. Townes, at the United States District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201 on June 18, 2012 or as soon thereafter as counsel may be heard, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing plaintiff Ann Burton's Complaint in its entirety on the ground that her claims fail to state a claim, and for such other and further relief the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the April 11, 2012 Scheduling Order issued by the Honorable Sandra L. Townes, opposition papers, if any, must be mailed to the undersigned law firm on or before June 4, 2012.

Dated: Jericho, N.Y.
May 4, 2012

NIXON PEABODY LLP

By: /s/ Alesia J. Kantor

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TO: Ms. Ann Burton
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